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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,093	04/03/2001	Bern B. Niamir	E194 0002 GNM/sks	9338

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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT	PAPER NUMBER
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2168

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,093

Applicant(s)

NIAMIR, BERN B.

Examiner

Haythim J. Alaubaidi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26, 28-33 and 39-114 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39-112 is/are allowed.
- 6) ☒ Claim(s) 1-7, 18-26, 28, 29, 32, 33, 113 and 114 is/are rejected.
- 7) ☒ Claim(s) 8-17, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/3/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a first Non-Final office action in response to the election/restriction amendment received on August 29, 2005.
2. Claims 1-26, 28-33, 39-114 are presented for examination following the Applicant's election.
3. Claims 1-7, 18-26, 28-29, 32-33 and 113-114, are rejected under 35 U.S.C. 102(e).
4. Claims 8-17 and 30-31 are objected to as being dependent upon a rejected base claim.
5. Claims 39-112, are allowed over the prior art of record.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-7, 18-26, 28-29, 32-33 and 113-114, are rejected under 35 U.S.C. 102(e) as being anticipated by Jay S. Walker (U.S. Patent No. 6,108,639 and Walker hereinafter).

Regarding Claims 1, 19, 21, 24-26, 33 and 113-114 Walker discloses:

a) providing a user interface providing facilities for creating, maintaining, and deleting listings from a local listings database (Figures 3 and 4, i.e. the buyer and the seller listings are local);

b) downloading by way of the network a classification data structure defining a plurality of classifications (Figure No. 6 and corresponding text);

c) accepting from a user listing information defining a new listing, the listing information including one or more classifications from the classification data structure to associate with the listing (Figures 3 and 4, i.e. the buyer and the seller listings);

d) storing the listing in the local listings database (Figure No. 9, Element No. 950 and corresponding text); and,

e) forwarding at least some listing information about listings in the local listings database to at least one search server on the network (Figure No. 9, Element No. 960 and corresponding text).

Regarding Claims 2 and 3, Walker discloses locality information (Figures 3 and 4, i.e. the address information).

Regarding Claim 4, Walker discloses forwarding the locality information (Figure No. 9, Element No. 930 and corresponding text).

Regarding Claim 5, Walker discloses attachment files and identification for the files (Figure No. 6 and 8, i.e. the item description and its identification).

Regarding Claim 6, Walker discloses receiving at the programmed user computer system a request for one of the attachment files by way of the network and responding to the request by sending the attachment file on the network (Figure No. 9, Element No. 950 and corresponding text).

Regarding Claim 7, Walker discloses:

a) receiving a query by way of the user interface, the query comprising a locality criterion (Figure No. 10B, Element No. 1026 and corresponding text);

b) forwarding the query to a search server on the network (Figure No. 10B, Element No. 1028 and corresponding text); and,

c) receiving from the search server listing information in response to the query (Figure No. 10B, Element No. 1030 and corresponding text).

Regarding Claims 18 and 22, Walker discloses broadcasting listing information about listings in the local listings database to a plurality of other user computer systems on the network (Figure No. 1, Element No. 200 and the corresponding text).

Regarding Claim 20 Walker discloses the ability to update and modify certain information (Figure No. 3 and 4 and the corresponding text).

Regarding Claim 23 Walker discloses item pricing (Figure No. 7 and the corresponding text).

Regarding Claims 28-29 and 32, Walker discloses lowest and higher level distributed search server (Figure No 10A, Element No. 1008 and 1014 and the corresponding text).

Allowable Subject Matter

8. Claims 8-17 and 30-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is the Examiner's statement of reasons for the indication of allowable subject matter

Regarding Claim 8, Applicant's particular method in creating and distributing classified listings is a query containing locality conditions from a set of distributed search servers that obtains a set of local listing servers that match the locality criterion and forwarding the query to the local listing servers in the set in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art, the prior art fails to anticipate or render Applicant's limitations above obvious.

The dependent Claims 9-17 being further limiting to dependent Claim 8; definite and enabled by the Specification would also be allowed if their respective dependent Claim 8 was rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding Claim 30, Applicant's particular method in creating and distributing classified listings is determining whether the geographical coverage area of the lowest level distributed search server overlaps excessively with geographical coverage areas

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of the neighboring lowest level distributed search servers and, if so, reducing the geographical coverage area of the lowest level distributed search server in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record or that encountered in searching of the prior art, the prior art fails to anticipate or render Applicant's limitations above obvious.

dependent Claim 31 being further limiting to dependent Claim 30; definite and enabled by the Specification would also be allowed if their respective dependent Claim 30 was rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 39-112, are allowed over the prior art of record.

11. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

Regarding Independent Claim 39, Applicant's particular computer-implemented method in creating and distributing classified listings is providing local listing servers software which when invoked on a user computer, will provide a user interface that allows a user to create, maintain and delete listings from a local listing database maintained on the user computer system in combination of the limitation wherein each of the listings are associated with at least one of the classification in order to upload listing information from the local listings in combination with the other limitations of the claims, was not disclosed by, would not have been obvious over, nor would have been

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fairly suggested by the prior art of record or that encountered in searching of the prior art, the prior art fails to anticipate or render Applicant's limitations above obvious.

Dependent Claims 40-112 being further limiting to independent Claim 39; definite and enabled by the Specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Other Prior Art Made of Record

12. a. Subramaniam et al. (U.S. Patent No. 6711565) discloses a method, apparatus, and system for previewing search results; and

b. Woolston (U.S. Patent No. 6085176) discloses a method and apparatus for using search agents to search plurality of markets for items.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Points of Contact

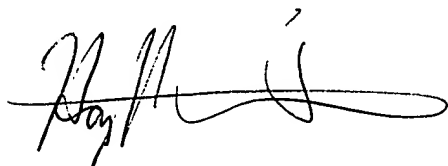
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-446.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or Faxed at our central fax number (571) 273-8300.

Hand-delivered responses should be brought to the Customer Service Window of the Randolph Building at 401 Dulany Street, Alexandria, VA 22314



Patent Examiner
Technology Center 2100
Art Unit 2168



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER